

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ROBERT DEREK LURCH, JR.,

Plaintiff,

v.

POLICE OFFICER DANIEL BERNAL,  
*et al.*,

Defendants.

Civil Action No. 22-1506 (SDW) (SDA)

**WHEREAS OPINION AND ORDER**

September 11, 2024

**WIGENTON**, District Judge.

**THIS MATTER** having come before this Court upon *pro se* Plaintiff Robert Derek Lurch, Jr.'s ("Plaintiff") Motion for Reconsideration (D.E. 42 ("Motion")); and

**WHEREAS** Defendant Daniel Bernal had previously been served with the First Amended Complaint (D.E. 9) on March 13, 2023 (D.E. 26); and

**WHEREAS** Plaintiff subsequently filed a Second Amended Complaint (D.E. 35) and Third Amended Complaint (D.E. 39); and

**WHEREAS** Defendant Daniel Bernal has not been served with the Third Amended Complaint, which is the operative complaint in this case; therefore

**IT IS**, on this 11<sup>th</sup> day of September 2024,

**ORDERED** that the Clerk of Court shall send Plaintiff sufficient copies of the USM-285 forms to obtain service of the Third Amended Complaint on Defendant Daniel Bernal; and it is further

**ORDERED** that Plaintiff shall have thirty (30) days from the date of this Order to complete and return the USM-285 forms with Defendant Daniel Bernal's addresses to the Clerk of Court, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101; and it is further

**ORDERED** that upon receipt of the completed forms by the Clerk of the Court, the Clerk shall issue summons, and a United States Marshal shall serve a copy of the amended complaint (D.E. 39), summons, and this Order upon Defendant Daniel Bernal, pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

**ORDERED** that Defendant Daniel Bernal shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is further

**ORDERED** that the Clerk of Court shall administratively terminate Plaintiff's Motion and shall serve a copy of this Order on Plaintiff by regular mail.

**SO ORDERED.**

/s/ Susan D. Wigenton  
**SUSAN D. WIGENTON, U.S.D.J.**

Orig: Clerk  
cc: Parties  
Stacey D. Adams, U.S.M.J.